IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2723 OF 2006

Shaikh Mohammed Nabisab & Anr. ... Petitioners

Vs.

State of Maharashtra ... Respondent

Mr. S.R. Ganbarale for the petitioners.

Ms. R.M. Gadhvi, A.P.P. for the State.

CORAM : SMT. RANJANA DESAI, J.

DATED : 22ND DECEMBER, 2006.

P.C. :-

1. The petitioners, who are accused 2 and 3 in C.R. No.333 of 2006 registered with Bhosari Police Station, Taluka Haveli, Dist. Pune, have prayed in this petition that the judgment and order dated 7/12/2006 passed by the 2nd Ad-hoc Additional Sessions Judge, Pune, in Criminal Misc. Application No.2810 of 2006 be set aside and the petitioners be allowed to enter the premises of the Indian Institute of Management Training, Pune, (for convenience, “the Institute”).

2. It appears that when the petitioners were released on bail, a

condition was put on them that they will not enter the premises of the Institute till completion of the investigation. The petitioners, thereafter, preferred the instant application praying that the condition imposed on them may be waived. Admittedly, the petitioners have been abiding by the other condition imposed on them i.e. they should attend the Bhosari Police Station. So far as the contention that they shall be permitted to enter the premises of the Institute is concerned, the learned counsel for the petitioners states that the prime accused – Ramesh Narkhede, who is the Chairman of the Institute has been permitted now to enter the premises by waiving the bail condition and, therefore, the said condition may be waived in respect of the present petitioners also. The present petitioners are the Chief Co-ordinator and Project Director respectively. The learned A.P.P. on instructions from Mr. V.P. Atre, Head Constable 3088, Crime Branch, Pune, who is present in the court, states that since one of the accused has been permitted to enter the premises of the Institute, the present petitioners can also be permitted to enter the Institute.

3. In view of this, the condition imposed on the petitioners at the time of releasing them on bail i.e. restraining them from entering the premises of the Institute, is waived. I have not interfered with the other conditions. Petition is disposed of.

[SMT. RANJANA DESAI, J.]